

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Joe Holcombe, *et. al.*,

Plaintiffs,

v.

United States of America,

Defendant.

No. 5-18-cv-00555-XR
(consolidated cases)

AGREEMENT ON DEFENSE PSYCHOLOGICAL EXAMINATIONS

Defendant United States and Lead Counsel for the Holcombe plaintiffs (hereinafter collectively the “parties”) hereby agree to the following rules and procedures regarding the Defendant’s psychological examinations of the requested plaintiffs (hereinafter “examinees”) to be conducted by Defendants’ expert psychologists in accordance with prior agreement of the parties.

1. In an effort to minimize the impact of these examinations on the lives of the examinees, the parties have agreed to conduct the examinations by Defendants’ experts remotely either by phone or secure video teleconferencing.
2. Interval breaks, if requested, will be provided every hour for the examinees. Any time for breaks will not count towards the total examination time. Every effort will be made to minimize the burden on the examinee.
3. All activity between examinees and Defendants’ experts conducted by phone or secure video teleconferencing will be video and audio recorded.
4. Nothing in this agreement precludes Defendant from seeking additional time from the Court for examination of individuals, if the expert(s) conducting the examination are not able to perform a complete examination based on their expertise within the agreed time limitations

despite their best efforts.

5. The examinations will evaluate claims of posttraumatic stress disorder, other mental disorders, associated dysfunction and disability, and prognosis of the examinees.

6. All examinations will be conducted in a manner designed to protect the dignity of the examinees. The examinee will be asked for no other information than what is required to answer questions related to their claims.

7. All examinees will be required to complete a series of brief questionnaires which will be provided to plaintiffs a reasonable time prior to conducting the video examination. These shall be returned to Defendants' counsel at least 24 hours prior to the agreed-upon time for the examination.

8. All examinations will take no more than 3 hours, exclusive of breaks.

9. Prior to each examination, examiners will be provided with contact information for local mental health providers and law enforcement at the location of the examinee in case of an emergency.

10. At the conclusion of each examination, each expert examiner shall supply a copy of the activity recording and written expert report covering the nature, extent and scope of their findings.

AGREED AS TO FORM AND SUBSTANCE:

Respectfully submitted,

By: /s/ James Dingivan
JOHN F. BASH
United States Attorney
JAMES DINGIVAN
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Attorneys For Defendant
United States Of America

By: /s/ *Jamal Alsaffar*
JAMAL ALSAFFAR,
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